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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,009	01/18/2002	James C. Dow	10980473-9	9155

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
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EXAMINER

LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,009

Applicant(s)

DOW ET AL.

Examiner

Cheukfan Lee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 17-20, 22-25 and 28 is/are rejected.
- 7) ☒ Claim(s) 4, 12-16, 21, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2622

1. Claims 1-28 are pending. Claims 1, 9, 19, and 23 are independent.
2. The terminal disclaimer filed December 17, 2004 has been approved.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-11, 17-20, 22-25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (U.S. Patent No. 6,680,749).

Regarding claim 1, Anderson discloses a digital camera (110 in Fig. 1, col. 4, lines 40-67, col. 5) comprising a photoelement array (image sensor 224) for acquiring image data, a memory (internal memory of computer 118 of camera 110 in Figs. 1 and 3, Figs. 4A and 4B, col. 6, lines 33-55) for saving the image data (col. 5, lines 1-17 and 35-57), a processor (CPU 344 in Fig. 3) in communication with the memory (Fig. 3), a display (402 in Fig. 3) in communication with the processor (CPU 344 in Fig. 3) for exhibiting the image data, a plurality of navigation buttons (left, right, up, and down buttons 410a, 410b, 411a, and 411b, respectively, of four-way navigation control button 409 of user interface 408 in Fig. 5A), a plurality of operation buttons (Fig. 5B, including

Art Unit: 2622

shutter button 418, zoom buttons 426a, 426b, sound recording 426, buttons 416, and status LCD scroll and select buttons 422 and 424, col. 7, lines 35-45), and program code stored in the memory and executed by the processor (CPU 344) (Fig. 3, col. 5, line 66 – col. 6, line 2), the program code comprising a menu navigation interface module for allowing a user to select one of a plurality of menu options in response to the invocation of one of the navigation buttons, so that the functionality of the plurality of navigation buttons changes from a first set of navigation button operating functions to a second set of navigation button operating functions which correspond to a plurality of menu functions associated with a selected menu (col. 9, line 5 – col. 11, line 2, col. 13, lines 34-46).

Regarding claims 2 and 3, the program code in the computer (118) of camera (110) further comprises a first code segment for demarcating one of a plurality of menu options displayed on the display (402), the demarcating representing a selection of one of the menu options (col. 10, lines 11-47). The demarcation is directionally moved among the plurality of menu options using the navigation buttons (410a, 410b, 411a, and 411b).

Regarding claims 5 and 6, the demarcation (discussed for claim 3) is bi-directionally moved using a pair (411a and 411b) of the navigation buttons, the pair being the up and down buttons (411a and 411b).

Regarding claim 7, the selection of the option (of menu) is confirmed by the user through invocation of operation button (run button 416) (Fig. 10B, col. 10, lines 12-67).

Regarding claim 8, the digital camera of Anderson et al. further comprises an I/O (348) for communicating image data to a remote device (col. 5, lines 58-61).

Claim 9 is rejected for the reasons given for claim 1. Claim 9 recites "capturing means", "storage means", "processing means", etc., instead of "a photoelement array", "a memory", "a processor", etc., of claim 1. The "means" of claim 9 are met by the components of the digital camera of Anderson et al. that correspond to the components of claim 1 discussed above, except the claim 9 "a navigation means" that is met by the navigation means (409) of Anderson et al. (Fig. 5A).

Claim 10 is rejected for the same reason as given for claim 2, for claiming the same limitation.

Regarding claim 11, the navigation means (409 in Fig. 5A) comprises navigation means (410a, 410b, 411a, and 411b) for moving the demarcation among the menu options (see also discussion for claims 2 and 3).

Regarding claim 17, Anderson et al. discloses means (I/O 348) for communicating image data to a remote device (Fig. 3, col. 5, lines 58-61).

Method claims 18, 19 and 22 are rejected for the reasons given for corresponding apparatus claims 1, 2 and 8, respectively.

Method claim 20 is rejected for the reasons given for corresponding apparatus claims 3 and 7.

Claims 23 and 24 claim a computer readable medium having a program for manipulating image data acquired by a digital camera, which is also disclosed by

Art Unit: 2622

Anderson et al. since the digital camera of Anderson et al. has a computer (118) for controlling the camera (Figs. 1 and 3, col. 5, lines 1-17, col. 5, line 66 – col. 6, line 2; Figs. 5A and 5B, col. 7, line 35 – col. 10, line 67). Please also see discussions for claims 1 and 2 above. The plurality of navigation buttons of Anderson et al. is the navigation buttons (410a, 410b, 411a, and 411b).

For claim 25 depending on claim 24, see discussion for claims 3, 23 and 24.

For claim 28 depending on claim 23, see discussions for claims 8, 23 and 24.

5. Claims 4, 12-16, 21, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

Claims 4, 12, 21, and 26 each require that one of the navigation buttons as defined is used or invoked to exit from the menu when the one navigation button is selected by the user. This feature is not taught by Anderson et al. Instead of using one of the navigation buttons (410a, 410b, 411a, and 411b), Anderson et al. uses the button (414 in Fig. 5A) to exit the menu (col. 10, lines 15-18), which button (414) does not having the function of a navigation button as defined in the claim(s).

Claims 13-16 depending on claim 12 would be allowable for the reason given for claim 12.

Art Unit: 2622

Claim 27 depending on claim 26 would be allowable for the reason given for claim 26.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al. (U.S. Patent No. 6,765,612),

Capps (U.S. Patent No. 5,544,295) and

Capps (U.S. Patent No. 5,596,694).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
July 6, 2005

A handwritten signature in black ink, appearing to read 'Cheukfan Lee', is positioned to the right of the typed name and date.